



AK
Tom

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

I certify that I am depositing this document with the U. S. Postal Service as first class mail on July 20, 2006, in a postage-prepaid envelope addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313

J. Michael Neary
J. Michael Neary

July 20, 2006
Date

Inventor: Eric Thompson

)
) Group Art Unit: 3632

Serial No.: 10/620,010

)
) Examiner: Steven Marsh

Filed: July 15, 2003

)
)

Title: **"Toolless Locking Mount"**

July 20, 2006

Third Corrected Brief on Appeal

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313

Sir;

Applicant submits this Third Corrected Brief on Appeal in furtherance of his appeal from the Final Rejection of claim 1-8, 12, and 14-18 dated March 24, 2005, and pursuant to a Notification of Non-Compliant Appeal Brief dated June 26, 2006.

1) Real party in interest

Tcom International, Inc., assignee of this Application, is the real party in interest.

2) Related Appeals and Interferences

Applicant knows of no related interferences or appeals that would directly affect or be directly affected by or have a bearing on the Board's decision in this pending appeal.

3) Status of Claims

Claims 1-8, 12, and 14-18 were rejected in the Final Office Action as noted in summary fashion below. No claims have been allowed. Claims 10 and 11 were not rejected initially, but were rejected in the second Office Action.

A. Claims 1, 2 and 4-8 have been rejected under 35 USC 103(a) as unpatentable over P/N 4,779,180 to Ruiz, in view of P/N 3,049,323 to Peterka.

B. Claim 3 has been rejected under 35 USC 103(a) as unpatentable over P/N 4,779,180 to Ruiz, in view of P/N 3,049,323 to Peterka, and further in view of P/N 4,332,499 to Stiecheli.

C. Claims 12 and 14-16 have been rejected under 35 USC 103(a) as unpatentable over P/N 4,779,180 to Ruiz.

D. Claims 12 and 15-17 have been rejected under 35 USC 103(a) as unpatentable over P/N 3,049,323 to Peterka.

E. Claim 18 has been rejected under 35 USC 103(a) as unpatentable over P/N 3,049,323 to Peterka in view of P/N 5,438,868 to Holden et al.

4) Status of Amendments

On August 23, 2005, (concurrently herewith) Applicants filed a Rule 116 Amendment to present the claims in better form for appeal but without changing the scope of the claims.

5) Summary of the Claimed Subject Matter

Claim 1. A universal mounting mechanism for holding an object 8 (p. 4, lines 23-26; Fig. 2) needing secure physical connection to another surface, comprises a base 1 (p. 3, lines 20-21; Figs. 1-6) having an upper surface and a bottom surface (Figs. 3 and 4), and having a sideways face 7 (Figs. 1 and 3) for engaging an outside corner of the object 8 (page 4, lines 23-28). The face 7 has surfaces for engaging two non-parallel outside surfaces of the object 8 (Fig. 2; page 4, lines 25-26). The surfaces extending all the way to the bottom surface.

A top 2 (p. 3, lines 21-23; Figs. 1-3) is pivotally mounted on the base 1 to rotate over the base and lie on a plane orthogonal to the surfaces of the face to engage upper

surfaces of the object 8 that lie orthogonal to the outside surfaces and hold the object 8 in contact with the other surface when forces are exerted on the object 8 tending to lift the object away from the other surface (Figs. 1-2; p. 5, lines 15-23), and locks into either a closed position over the face 7 (Fig. 1), or an open position clear of the face 7 (Fig. 2; p. 3, lines 21-30; p. 5, lines 15-23).

At least one fastener hole 14 is provided for receiving a fastener by which the base 1 can be attached to the other surface with the bottom surface engaged with an upper surface of the other surface (page 4, lines 26-28).

Claim 8. A mounting mechanism for securing an object 8 (page 4, line 24; Fig. 2) to a supporting surface, comprises four uprights 1 (page 5, lines 8-11), each having a bottom end for attachment to said supporting surface in an array surrounding a space to be occupied by the object 8, and each having a top end with a swiveling top cap 2 (p. 3, lines 21-23; Figs. 1-3) overlying the upright 1.

Each upright 1 has an angled recess 7 (page 4, lines 23-25; Figs. 1 and 3) on upright surfaces thereof facing the space and defined by two intersecting vertical planes (page 4, lines 25-26) for engaging outside corners of the object 8 and preventing lateral movement of the object 8 parallel to the supporting surface.

The swiveling top cap 2 has an underside 12 (page 5, lines 1-3 and lines 17-18; Fig. 3) on a horizontal plane for overlying an upwardly facing surface of the object 8 when the object 8 is in the space, to prevent movement of the object 8 away from the supporting surface.

The swiveling top cap 2 is mounted atop each of said uprights selectively to swing over the angled recess (page 5, lines 1-3; Fig. 1) to restrain the object 8 in the recess 7, or to swing clear of the angled recess 7 (page 5, lines 19-23; Fig. 2) to allow the object 8 in the space to slide up and away from the supporting surface along the vertical planes, thus releasing said object 8.

A detent 4, 5, 5A (page 3, lines 19-30; Figs. 3-4) is provided for releasably holding the top cap 2 selectively in either the closed (Fig. 1) or open (Fig. 2) position (page 5, lines 19-23).

Claim 12. A method of releasably securing an article 8 to a supporting surface against vertical or lateral movement with respect to said supporting surface comprises inserting the article 8 into a space between four mounts (page 5, lines 8-11) that are attached to said supporting surface, with four corners of said article captured between inwardly diverging surfaces of an angled recess 7 in an upstanding base 1 of each mount to prevent lateral movement of said article relative to said supporting surface.

After the article 8 is fully inserted between the four mounts (page 5, lines 13-15), a top cap 2 on each of the mounts is rotated from an open position (Fig. 2) to a closed position (Fig. 1) over the article 8 to capture the article between the top cap 2 and the supporting surface to prevent vertical movement of the article 8 away from the supporting surface (Page 5, lines 15-18).

To remove the article from between the mounts, the resistance of a detent 4, 5, 5A that releasably holds the top cap 2 in the closed position (Fig. 1) is overcome, and the top cap of each mount is rotated from the closed position (Fig. 1) to the open position (Fig. 2) away from the article 8 to clear the angled portion 7 and allow lifting of the article from between the four mounts (page 5, lines 19-23).

The article 8 is then lifted from between the four mounts and away from the supporting surface to release the article from the supporting surface (Page 5, lines 22-23).

6) Issues

A. Whether the rejection of claims 1, 2 and 4-8 under 35 USC 103(a) as unpatentable over P/N 4,779,180 to Ruiz, in view of P/N 3,049,323 to Peterka was proper.

B. Whether the rejection of claim 3 under 35 USC 103(a) as unpatentable over P/N 4,779,180 to Ruiz, in view of P/N 3,049,323 to Peterka, and further in view of P/N 4,332,499 to Stiicheli was proper.

C. Whether the rejection of claims 12 and 14-16 under 35 USC 103(a) as unpatentable over P/N 4,779,180 to Ruiz was proper.

D. Whether the rejection of claims 12 and 15-17 under 35 USC 103(a) as unpatentable over P/N 3,049,323 to Peterka was proper.

E. Whether the rejection of claim 18 under 35 USC 103(a) as unpatentable over P/N 3,049,323 to Peterka in view of P/N 5,438,868 to Holden et al. was proper.

7) Argument

For simplicity of relating the summary Status of the Claims in §3 and the Statement of Issues in §6 with the related argument in this §8, the same letters used in §§3 and 6 will identify the argument sections.

A. The rejection of claims 1, 2 and 4-8 under 35 USC 103(a) as unpatentable over P/N 4,779,180 to Ruiz, in view of P/N 3,049,323 to Peterka was improper.

Applicant believes that the rejection of claims 1, 2 and 4-8 under 35 USC 103(a) as unpatentable over P/N 4,779,180 to Ruiz, in view of P/N 3,049,323 to Peterka was improper because the combination would not have been obvious to a person of ordinary skill in the art, and even if these references were combined, the combination would not have produced an article that would fall within the scope of the rejected claims.

Ruiz discloses a device for holding a circular glass cover 4 on a light fitting. It has three columns 2, arranged equidistant from each other around the periphery of a flat circular fitting plate 1 which is attached to a wall. Each column is attached to the fitting plate 1 by screws, shown in Fig. 2. Two of the columns have a sidewardly opening slot 3 facing radially inwardly for receiving the edge of the glass cover 4. The third columns 2, shown in Figs. 3 and 4, has a head plate 5 that can be turned to open the slot 3 for insertion of the glass cover 4, and then turned back to hold the cover in place.

Claim 1 calls for a base 1 (page 3, line 20) having a face 7 (page 4, line 23) for engaging an outside corner of an object 8 (page 4) needing secure physical connection to another surface. The face has surfaces for engaging two non-parallel outside surfaces of the object, wherein the engaging surfaces extend all the way to the bottom

surface of the base 1. The “base” 10 of Ruiz does not have a face for engaging an “outside corner” of his glass cover 4. His glass cover is circular; it does not have corners like the object to be held by Applicant’s locking mount, as shown in Fig. 2. Also, the engaging surfaces of Ruiz do not extend all the way to the bottom surface of his column. Thus, Ruiz does not meet the limitations of claim 1.

Claim 1 also calls for a top 2 (page 3, line 21) that is pivotally mounted on the base 1 to rotate over the base 1 and lie on a plane orthogonal to the surfaces of the face 7. The top 2 can be swiveled to engage upper surfaces of the object 8 that lie orthogonal to the outside surfaces 7 and hold the object in contact with the other surface (the surface on which the object 8 sits) when forces are exerted on the object 8 tending to lift the object 8 away from the other surface. The top 2 locks into either a closed position over the face 7, or an open position clear of the face 7.

Ruiz has a “top” 5 that is roughly orthogonal to only one surface (the vertical surface, but not the other surface in which the spring-loaded ball 9 is mounted, contrary to the limitations of claim 1. Indeed, the surface in which the spring-loaded ball 9 is mounted does not actually engage the surfaces of the object; the balls 9 do. Thus, Ruiz does not teach these limitations in claim 1.

Peterka discloses a mirror mounting device having a pillar 14 with an external screw threading 17 onto which a clamping knob 18 can be screw-threaded to engage and hold the mirror in place in a slot in the pillar 14. Peterka shows several different forms of slots, including a slot 20a in Fig. 5 having surfaces for engaging two non-parallel outside surfaces of the mirror, such as a corner. None of the slots in all of Peterka’s pillars extend all the way to the bottom surface of the pillar.

The Examiner postulates that it would have been obvious to a person of ordinary skill in the art to have “utilized upright faces with intersecting vertical surfaces as the face of the base taught by Ruiz, as taught by Peterka et al., for the purpose of providing a more secure means of holding a piece of glass. Applicant does not believe that the use of an angled face such as 20a in Peterka would be obvious to a person of ordinary skill in the art in the context of the device shown by Ruiz because Ruiz uses only three columns 2, only one of which has a rotary head, and making the vertical face of the Ruiz device into an angled face would not provide a more secure means of holding his piece

of glass. Moreover, neither Ruiz nor Peterka actually hold their glass on the supporting surface, but instead hold it on a separate support (11 or 21 in Peterka; 9 in Ruiz) that supports the glass spaced away from the supporting surface. The invention defined in claim 1 calls for the surfaces of angled face 7 for engaging two non-parallel outside surfaces of the object to extend all the way to the bottom surface of the base 1. Neither Ruiz or Peterka include such a feature and there is nothing in the cited references that would motivate a person of ordinary skill in the art to change the references in this way. Even if he did think of doing it he would likely reject the idea because it would defeat the purpose of the references, which is to hold the object in a position spaced from the wall. Thus, Ruiz and Peterka, even if it were obvious to combine them, do not make obvious the invention defined in claim 1.

Claim 2 calls for the face of the base to have an inwardly opening angled portion having inwardly facing surfaces that engage an outside corner of the object to prevent the object from moving laterally while it is supported on the other surface. This clarifies even further, if possible, that the claimed devices are for holding the object in place laterally while it is supported by the other surface, but are not intended primarily for supporting the object's full weight, as both Ruiz and Peterka do. Applicant's devices actually will support the full weight of the object if the case is inverted, but that is not how it is intended to be used normally. Normally, the object is used while supported on the other surface (the inside floor of the case) and is held in place there while it is in use (unless it is removed from the case for use, which is easily done.) While the case is being transported, the devices hold the object in place against shifting laterally relative to the other surface. Ruiz and Peterka both hold the object in spaced relation from the supporting surface; they do not have surfaces that hold the object laterally in contact with the supporting surface. Hence, claim 2 is patentable over the combination of Ruiz and Peterka.

Claim 4 calls for the base to be lower in profile than the object, whereby the mounting mechanism does not obstruct the use of the object. Ruiz teaches mounting devices for holding a glass cover on a bulkhead light fixture. A bulkhead is a vertical surface, so the limitations of claim 4 are incongruous in the context of Ruiz, especially

since, in a vertical orientation, the sides of the notches in the columns 2 of Ruiz actually support the object (the glass cover 4) rather than the “other surface” (which in Ruiz would be the “substantially flat fitting plate 1). Accordingly, attempting to read claims 1 and 4 on Ruiz leads to a blind ally wherein attempts to stretch the meanings of the words to read on Ruiz just fail. In Peterka, the object (the mirror) is actually supported by “vertical” surfaces of the “recessed part” 19 and 20a, rather than the surface to which the pillar is attached, and the pillar extends well above the top surface of the mirror. Therefore, neither Peterka nor Ruiz teach the limitations in claim 4, so the combination of Peterka and Ruiz could not possible result in a structure that includes these limitations.

Claim 6 calls for a clamping mechanism for moving the sideways face for engaging the outside corner of the object against the object to establish firm contact between the face and the object, and claim 7 calls for a clamping device by which clamping pressure of the clamping mechanism is adjustable. This subject matter is illustrated in Fig. 6. There is nothing like this in either Ruiz or Peterka. The spring loaded ball 9 in Ruiz is not an adjustable clamping device, and even if it were, it does not move the face for engaging the outside corner of the object needing secure physical connection to another surface against the object to establish firm contact between the face and the object. Ruiz does not teach or need a device for tightening the spring 8. The Examiner’s parenthetical statement that “tightening the spring results in greater pressure” may be true, but Ruiz does not teach a way to tighten the spring or that it could or should be tightened, or that there would be any benefit to tightening the spring. In any case, the ball does not move the face of the base against the object to establish firm contact between the face and the object. It only moves the ball against the object to push the object against the cover 5. Therefore, Ruiz and Peterka do not teach a structure that meets the limitations of claims 6 and 7.

Claim 8 calls for a mounting mechanism for securing an object 8 (page 4, line 24) to a supporting surface. The mechanism has four uprights, each having a bottom end 1 (page 3, line 20) for attachment to the supporting surface in an array surrounding a

space to be occupied by the object 8, and each having a top end with a swiveling top cap 2 (page 3, line 21) overlying the upright. Each upright has an angled recess on upright surfaces 7 thereof (page 4, line 23) facing the space and defined by two intersecting vertical planes for engaging outside corners of the object 8 and preventing lateral movement of the object 8 parallel to the supporting surface. The swiveling top cap has an underside 12 (page 5, line 1) on a horizontal plane for overlying an upwardly facing surface of the object 8 when the object is in the space, to prevent movement of the object away from the supporting surface. The swiveling top cap 2 is mounted atop each of the uprights selectively to swing over the angled recess to restrain the object 8 in the recess, or to swing clear of the angled recess to allow the object in the space to slide up and away from the supporting surface along the vertical planes, thus releasing the object. A detent 4, 5, 5A (page 3, line 22) releasably holds the top cap selectively in either the closed or open position (page 4, lines 6-22).

Claim 8 has been rejected over Ruiz and Peterka. Neither of these references disclose a detent for releasably holding the top cap selectively in either the closed or open position. Neither do either of them contain any disclosure that would lead a person of ordinary skill in the art to think that it would be a good idea to include such a detent. Neither does either reference teach how to include such a detent in their articles. Ruiz has a spring-loaded ball 9 in one of his columns, shown in Figs. 3 and 4, but this is not a detent. It is merely a spring to support the edge of the glass and hold it snugly in the groove so it does not bang around in there. Thus, Ruiz and Peterka do not teach the structure claimed in claim 8, and Applicant believes that claim 8 should be held to be patentable.

B. The rejection of Claim 3 under 35 USC 103(a) as unpatentable over P/N 4,779,180 to Ruiz, in view of P/N 3,049,323 to Peterka, and further in view of P/N 4,332,499 to Stiicheli was improper.

Claim 3, dependent on claim 1, calls for a detent 4, 5, 5A for releasably holding the top 2 selectively in either its closed or open position.

Stiicheli teaches an adjustable joint for use in a reading stand for patients confined to bed (see Figs. 4 and 5). The adjustable joint of Stiicheli has detents that

allow the reading stand to be releasably held in several positions for the reading comfort of the patient.

The Examiner asserts that, to a person of ordinary skill in the art of mounting articles to a support plate, it would have been obvious to have modified Ruiz by selecting teachings from a patent dealing with a reading stand for bed-ridden patients. Applicant believes that Stiicheli is non-analogous art and that a person of ordinary skill in the art of mounting articles to a support plate would not have consulted the medical or hospital appliances art for a teaching of modifications for an article for holding a glass cover to a light fixture, as taught by Ruiz. Moreover, there appears to be no reason for making the Ruiz device more complicated and expensive than it is. Certainly, there is no teaching in either reference of the necessity or advantage of making the change proposed by the Examiner, even though the Examiner has offered a reason of his own. However, the Examiner's reason appears to have originated with Applicant rather than either Peterka, Ruiz or Stiicheli. References teaching detents abound, of course, but there is nothing in the prior art of record that would teach the advisability or benefit of adding a detent to the combined structure of Ruiz and Peterka, as combined by the Examiner. The detent of Stiicheli is to hold the reading stand in any one of a multiplicity of convenient positions for the bed-ridden reader. Applicant's detent has only an open position and a closed position, not a multiplicity of positions. There would seem to be no reason to have a multiplicity of positions for the top plate 5 of Ruiz, which is what Stiicheli teaches. Finally, it is not clear to Applicant how the modification proposed by the Examiner would be made, and the Examiner has not explained what he has in mind. The use of a lever 23 and detent cam 26 would not work in Ruiz, in Applicant's opinion. Perhaps the Examiner will explain in his Examiner's Answer how this could work. Then Applicant will have a chance to address the issue in his Reply Brief.

C. The rejection of claims 12 and 14-16 under 35 USC 103 as unpatentable over Ruiz was improper.

Claim 12 calls for a method of releasably securing an article 8 to a supporting surface against vertical or lateral movement with respect to the supporting surface. The article to be captured is inserted into a space between four mounts, with four corners of

the article 8 fitted between four corners of inwardly diverging surfaces 7 of an angled recess in an upstanding base 1 of each mount to prevent lateral movement of the article relative to the supporting surface. A detent 4, 5, 5A (page 3, line 22) releasably holds the top cap securely in place until the top cap is rotated, overcoming the resisting force of the detent tending to hold the top cap closed, to allow the object to be lifted vertically away from the supporting surface (page 4, lines 6-22).

There is no detent in Ruiz and there is no "lifting vertically away from the supporting surface" in that combined disclosure since that is not how those devices are intended to function. Therefore, Applicant believes that amended claim 12 is patentable over the cited references.

Claim 14 specifies that the operation of the detent is by compressing a spring 13 when pivoting the top cap 2 to allow the top cap 2 to lift slightly away from the upstanding base 1 so the top cap 2 may be rotated to its open position to allow the article to be lifted out for quick and easy removal. Ruiz has a spring loaded ball 8, 9 to engage the underside of the glass 4 to snugly hold the edge of the glass within the respective groove. Ruiz does not disclose compressing a spring when pivoting the top cap to allow the top cap to lift slightly away from the upstanding base. He does show a spring 7 around a shaft 6 to hold the top plate downwardly into contact with the support part 10, but the top plate does not lift away from the support part 10 when the top plate is rotated, as Applicant's top cap does. Indeed, Ruiz does not disclose a detent of any kind. Applicant believes that the function of the spring 7 and the shaft 6, the function of which is described in Col. 2, lines 1-5, is entirely different from the claimed method steps and do not fall within the scope of claim 14. There is no vertical movement of the top cap contemplated by Ruiz in his description of the function of the spring 7 and shaft 6. The function is strictly to engage the underside of the glass 4 to snugly hold the edge of the glass in place in the groove. Hence, claim 14 should be patentable over Ruiz.

Claim 15, dependent on claim 12, calls for moving the inwardly diverging surfaces of the angled recess in the upstanding base of the mount into firm contact with the object. There is nothing whatsoever in Ruiz that would read on this limitation. Applicant respectfully requests that the Examiner address this issue in his Examiner's Answer so that Applicant can respond in his Reply Brief.

Claim 16, dependent on claim 15, calls for the moving step to include moving an angle piece containing the inwardly diverging surfaces of the angled recess against the object. As with claim 15, there is nothing whatsoever in Ruiz that would read on this limitation. Applicant respectfully requests that the Examiner address this issue in his Examiner's Answer so that Applicant can respond in his Reply Brief.

D. The rejection of claims 12 and 15-17 under 35 USC 103(a) as unpatentable over P/N 3,049,323 to Peterka was improper.

Claim 12 calls for a method of releasably securing an article 8 to a supporting surface against vertical or lateral movement with respect to the supporting surface. Four corners of the article 8 to be captured are inserted between inwardly diverging surfaces 7 of an angled recess in an upstanding base 1 of each mount to prevent lateral movement of the article relative to the supporting surface. To remove the object, the resistance of a detent 4, 5, 5A (page 3, line 22; page 4, lines 6-22) that releasably (page 3, lines 27-30) holds the top cap 2 in the closed position is overcome and the top cap is rotated to allow the object to be lifted vertically away from the supporting surface.

There is no detent in Peterka and there is no "lifting vertically away from the supporting surface" in that combined disclosure since that is not how those devices are intended to function. Therefore, Applicant believes that amended claim 12 is patentable over the cited references.

The Examiner has taken the position that structural limitations in a method claim have no patentable significance. Applicant believes, contrary to the Examiner's position, that all method steps have some relationship to structure in that they always call for structure or material to be manipulated or acted upon in some way. Without the structural limitations, the method steps would be void of meaning. In claim 12, overcoming the resistance of a detent is a valid method step. Applicant believes that it is inappropriate to disregard this limitation in Applicant's claim for no other reason than that it relates to structure, as all method steps do.

Claim 15, dependent on claim 12, calls for moving the inwardly diverging surfaces of the angled recess in the upstanding base of the mount into firm contact with the object. There is nothing whatsoever in Peterka that would read on this limitation.

Applicant respectfully requests that the Examiner address this issue in his Examiner's Answer so that Applicant can respond in his Reply Brief.

Claim 16, dependent on claim 15, calls for the moving step to include moving an angle piece containing the inwardly diverging surfaces of the angled recess against the object. As with claim 15, there is nothing whatsoever in Peterka that would read on this limitation. Applicant respectfully requests that the Examiner address this issue in his Examiner's Answer so that Applicant can respond in his Reply Brief.

E. The rejection of claim 18 under 35 USC 103(a) as unpatentable over P/N 3,049,323 to Peterka in view of P/N 5,438,868 to Holden et al was improper.

Claim 18, dependent on claim 12, calls for the added steps of engaging the article with an elastomeric material such as polyurethane on the inwardly diverging surfaces 7 of the angled recess in the upstanding base to improve the grip of the surfaces on the article and to serve to dampen and isolate vibration between the article and the supporting surface.

Holden teaches an ultrasonic liquid level indicator for liquids within a reservoir to be administered to a patient, to ensure that the reservoir does not run dry. He has a clamp or grips for attaching the ultrasonic transducer to the reservoir. The clamp has gripping elements made of polyurethane.

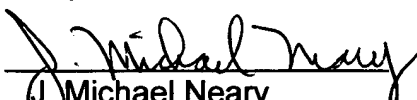
The Examiner asserts that a person of ordinary skill in the art would naturally look to the medical devices art for a teaching of how to improve the grip of the Peterka's mirror holders on the mirror. Applicant does not believe that Holden is analogous art with Peterka and that even if it were, that the teachings in Holden are inapplicable to Ruiz, since the purpose of the polyurethane gripping elements are to grip the glass surfaces to hold the ultrasonic transducer against the reservoir surface. There is no requirement like that in Peterka. Peterka's holders do not grip the mirror at all; they merely support it. There is no requirement for Peterka's holders to grip the mirror and even the addition of polyurethane on the inwardly diverging surfaces of Peterka would not "grip" the mirror; they would merely support it passively as before. These references are not remotely related Holden and would be of no interest to a person of ordinary skill in the art working on a device like that of Peterka. Accordingly, Applicant believes that the

combination of Holden with Peterka would not be obvious to a person of ordinary skill in the art. .

Thus, Applicant believes that the claims now pending in this Application all distinguish patentably over the cited references, singly or in combination. Applicant respectfully solicits the Board to reverse the Examiner's rejections and return this Application to him for issuance.

Respectfully submitted,

53939 Pine Grove Road
La Pine, Oregon 97739
voice: (253) 332-9206; fax: (541) 536-5925


J. Michael Neary
Attorney for Applicant
Reg. No. 25,453

8. Claims Appendix

1. (Previously Amended) A universal mounting mechanism for holding an object needing secure physical connection to another surface, comprising:

a base having an upper surface and a bottom surface, and having a sideways face for engaging an outside corner of said object, said face having surfaces for engaging two non-parallel outside surfaces of said object, said surfaces extending all the way to said bottom surface;

a top pivotally mounted on said base to rotate over said base and lie on a plane orthogonal to said surfaces of said face to engage upper surfaces of said object that lie orthogonal to said outside surfaces and hold said object in contact with said other surface when forces are exerted on said object tending to lift said object away from said other surface, and locks into either a closed position over said face, or an open position clear of said face;

at least one fastener hole for receiving a fastener by which said base can be attached to said other surface with said bottom surface engaged with an upper surface of said other surface.

whereby said object can be easily and quickly installed and removed from said other surface.

2. (Previously Amended) A universal mounting mechanism as defined in claim 1, wherein:

said face of said base has an inwardly opening angled portion having inwardly facing surfaces that engages an outside corner of said object to prevent said object from moving laterally while supported on said other surface;

said inwardly facing surfaces of said base are normal to said other surface.

3. (Original) A universal mounting mechanism as defined in claim 1, further comprising:

a detent for releasably holding said top selectively into either said closed or open position.

4. (Original) A universal mounting mechanism as defined in claim 1, wherein:
said base is lower in profile than said object, whereby said mounting mechanism
does not obstruct the use of said object.

5. (Original) A universal mounting mechanism as defined in claim 1, wherein:
said top is secured to said base against separation therefrom;
whereby said top remains connected to said base in normal operation to be
secure against becoming misplaced or lost during installation or removal of said objects.

6. (Original) A universal mounting mechanism as defined in claim 1, further
comprising:
a clamping mechanism for moving said face of said base against said object to
establish firm contact between said face and said object.

7. (Previously Amended) A universal mounting mechanism as defined in claim
6, wherein:
clamping pressure of said clamping mechanism is adjustable by tightening a
clamping device.

8. (Previously Amended) A mounting mechanism for securing an object to a
supporting surface, comprising:
four uprights, each having a bottom end for attachment to said supporting
surface in an array surrounding a space to be occupied by said object, and each having
a top end with a swiveling top cap overlying said upright;
each said upright having an angled recess on upright surfaces thereof facing said
space and defined by two intersecting vertical planes for engaging outside corners of
said object and preventing lateral movement of said object parallel to said supporting
surface;

said swiveling top cap having an underside on a horizontal plane for overlying an upwardly facing surface of said object when said object is in said space, to prevent movement of said object away from said supporting surface;

said swiveling top cap is mounted atop each of said uprights selectively to swing over said angled recess to restrain said object in said recess, or to swing clear of said angled recess to allow said object in said space to slide up and away from said supporting surface along said vertical planes, thus releasing said object; and

a detent for releasably holding said top cap selectively in either said closed or open position.

9-11. (Canceled)

12. (Previously Amended) A method of releasably securing an article to a supporting surface against vertical or lateral movement with respect to said supporting surface, comprising:

inserting said article into a space between four mounts that are attached to said supporting surface, with four corners of said article captured between inwardly diverging surfaces of an angled recess in an upstanding base of each said mount to prevent lateral movement of said article relative to said supporting surface;

after said article is fully inserted between said four mounts, rotating a top cap on each of said mounts from an open position to a closed position over said article to capture said article between said top cap and said supporting surface to prevent vertical movement of said article away from said supporting surface;

overcoming resistance of a detent that releasably holds said top cap in said closed position, and rotating said top cap of each mount from said closed position to said open position away from said article to clear said angled portion and allow lifting of said article from between said four mounts; and

lifting said article from between said four mounts and away from said supporting surface to release said article from said supporting surface.

13. (Canceled)

14. (Previously Amended) A method as defined in claim 12, further comprising:
said step of overcoming resistance of a detent includes compressing a spring when pivoting said top cap to allow said top cap to lift slightly away from said upstanding base so said top cap may be rotated to said open position to allow said article to be lifted out for quick and easy removal.
15. (Previously Amended) A method as defined in claim 12, further comprising:
moving said surfaces of said upstanding base into firm contact with said object.
16. (Previously Added) A method as defined in claim 15, wherein:
said moving step includes moving an angle piece containing said inwardly diverging surfaces of said angled recess against said object.
17. (Previously Added) A method as defined in claim 16, wherein:
moving an angle piece includes tightening a screw threaded in said upstanding base to apply pressure against said angle piece.
18. (Previously Added) A method as defined in claim 12, further comprising:
engaging said article with an elastomeric material such as polyurethane on said inwardly diverging surfaces of said angled recess in said upstanding base to improve the grip of said surfaces on said article and to serve to dampen and isolate vibration between said article and said supporting surface.

9. Evidence Appendix

No evidence was submitted pursuant to §§1.130, 1.131 or 1.132 of 37 CFR, nor was any evidence entered by the Examiner and relied upon by Applicant.

10. Related Proceedings Appendix

Applicant knows of no related interferences or appeals that would directly affect or be directly affected by or have a bearing on the Board's decision in this pending appeal, therefore no decisions in any such related interferences or appeals have been rendered and none are submitted herewith.